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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/066,475

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Edward Colles Nevill

1103179-0009

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07/02/2009

WHITE & CASE LLP  
PATENT DEPARTMENT  
1155 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036

EXAMINER

COULTER, KENNETH R

ART UNIT

PAPER NUMBER

2454

MAIL DATE

DELIVERY MODE

07/02/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* EDWARD COLLES NEVILL

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Reissue Application 10/066,475  
Patent 6021265  
Technology Center 2400

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Mailed: July 2, 2009

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Before Lynn M. Kryza, *Deputy Chief Trial Administrator*.

ORDER RETURNING UNDOCKETED APPEAL

This reissue application was electronically received by the Board of Patent Appeals and Interferences on June 1, 2009. A review of the reissue application revealed that it is not ready for docketing as an appeal. Accordingly, the reissue application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

## REISSUE AMENDMENT, SUPPLEMENTAL DECLARATION REQUIRED

The Amendment dated June 3, 2005 does not appear to have been accompanied by a supplemental reissue declaration. Whenever claims are amended or added, a supplemental reissue declaration is required pursuant to MPEP 1414.01. Form PTO/SB/51S, "Supplemental Declaration For Reissue Patent Application To Correct 'Errors' Statement ([see] 37 C.F.R. § 1.175(b)(1)), " may be used to prepare a supplemental reissue declaration. Form PTO/SB/51S serves to indicate that every error in the patent that was corrected in the reissue application, but was not covered by a prior reissue oath/declaration submitted in the reissue application, arose without any deceptive intention on the part of the applicant.

It does not appear that the Examiner has included in an Office action the appropriate rejection of all the reissue claims under 35 U.S.C. 251, as being based upon a defective reissue declaration, and the requirement of a supplemental reissue declaration signed by the reissue applicant to overcome such rejection.

## CONCLUSION

Accordingly, it is ORDERED that the reissue application is returned to the Examiner for:

- 1.) making the appropriate rejection of all the reissue claims under 35 U.S.C. § 251, as being based upon a defective reissue declaration;

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- 2.) requiring submission of a proper supplemental reissue declaration to overcome the rejection of all the reissue claims under 35 U.S.C. § 251, as being based upon a defective reissue declaration; and,
- 3.) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

LMK/rvb

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